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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 31/2023 & CM APPL. 6049/2023**
MUKESH KUMARAppellant
Through: Mr. Raj Kumar, Advocate

versus

OM PRAKASH & ANR.Respondent
Through: Mr. K.P. Singh and Mr. B.K. Singh,
Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
18.02.2026

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1. By way of present appeal, the appellant who is the plaintiff before the Trial Court is aggrieved by the order dated 06.12.2022 *vide* which his application filed under Section 151 of the Code of Civil Procedure, 1908 seeking restoration of the suit was dismissed.
2. Learned counsel for the appellant contends that the matter was listed before the Trial Court during COVID times and it is due to this reason, he could not appear before the Trial Court on the date fixed resulting in dismissal of the suit. He submits that the suit was on the stage of consideration of an application filed by the defendants seeking recall of order dated 12.10.2018 *vide* which the defendants right to lead the evidence was closed.
3. *Mr. Raj Kumar*, learned counsel for the appellant, while praying that the present appeal be allowed and the suit be restored, submits that he has no objection in case the defendant's application seeking right to lead defence evidence be also permitted. He submits that he would not file objection to



the application subject to the suit being restored.

4. Learned counsel for the respondent, on instructions, submits that he has no objection to the aforesaid prayer.

5. Let the suit be restored for which it would be listed before the concerned Court at the first instance on 09.03.2026.

6. In view of the no objection, the Trial Court shall also permit the defendants to lead its defence evidence.

7. The present appeal alongwith the pending applications is disposed of in above terms.

MANOJ KUMAR OHRI, J

FEBRUARY 18, 2026

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